

## REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### *Status of All of the Claims*

Below is the status of the claims in this application.

1. Claim(s) pending: 1-18.
2. Claim(s) canceled: None.
3. Claim(s) added: None.
4. Claims withdrawn from consideration but not canceled: 3, 6, 8, 10-18.

### *Response to Restriction Requirement*

In the present Response, claims 3, 6, 8, 10-13 and 14-18 have been withdrawn. As a result, claims 1, 2, 4, 5, 7 and 9 are currently pending and under consideration.

In item I of the Office Action, Applicant was required to elect one of the following invention groups:

Group 1: Claims 1-3, 5-6 and 8-9 drawn to a method for automatically differentiating between a sample liquid and a control liquid using photometric test elements and a photometer, wherein a dye is added to the control liquid.

Group II: Claims 1-2, 4-5, 7 and 9, drawn to a method for automatically differentiating between a sample liquid and a control liquid using electrochemical test elements and an electrochemical measurement instrument, wherein an electroactive substance is added to the control liquid.

Group III: Claims 1 and 10.-J3, drawn to a method for automatically differentiating between a sample liquid and a control liquid, wherein the differentiation criteria involves the wetting properties of the liquids.

Group IV: Claims 1 and 14-15, drawn to a method for automatically differentiating between a sample liquid and a control liquid, wherein the differentiation criteria involves the changes over time of the measurement signals.

Group V: Claims 16-18, drawn to a control liquid.

In response to the restriction requirement, Applicant hereby elects, without traverse, the Group II invention for prosecution, which invention is encompassed by Claims I, 2, 4, 5, 7 and 9, drawn to a method for automatically differentiating between a sample liquid and a control liquid

using electrochemical test elements and an electrochemical measurement instrument, wherein an electroactive substance is added to the control liquid.

***Conclusion***

In view of the above amendments and remarks, it is submitted that the present application is now in condition for immediate allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative by telephone.

Respectfully submitted,

September 15, 2008

By: /Thomas Q. Henry, Reg. No. 28309/  
Thomas Q. Henry, Reg. No. 28309  
Woodard, Emhardt, Moriarty, McNett & Henry  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137  
(317) 634-3456